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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,387	03/15/2001	Craig M. Carpenter	MI22-1559	8779

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EXAMINER

ZERVIGON, RUDY

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

XB

Office Action Summary

Application No.

09/810,387

Applicant(s)

CARPENTER ET AL.

Examiner

Rudy Zervigon

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 30-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Claims 1-29 in Paper No. 1 is acknowledged.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23, 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukui et al (USPat. 5,002,928). Fukui teaches a deposition apparatus (Figure 1) for depositing superconducting films (column 2, lines 14-36). Fukui further teaches a deposition chamber (14) defined partly by a chamber wall ("solution-escaping inhibitor"; column 5, lines 1-2) including a lid (top portion of 14). Fukui further teaches a needle valve / isolation mechanism (6) that seals fluid flow between an outermost and innermost surface of the chamber wall (7; column 4, lines 53-59). Fukui further teaches a part of the valve housing (3a) between the innermost (lower plane of 7) and outmost surfaces (top plane of 2) of the chamber wall (7; column 4; lines 28-31, 36-39, 53-60). Fukui further teaches the valve body (1) including a portion of the chamber wall (7) as at least a part of the valve housing (column 4; lines 28-31, 36-39, 53-60). Fukui further teaches at least a part of the process chemical inlet (11) to the valve body (1) between the innermost and

Art Unit: 1763

outermost surfaces of the chamber wall, and wherein the chamber wall (7) forms a part of a material inlet (11,12). Fukui further teaches the part of the valve housing (fitting in 14 for valve 1) comprised by the portion of the lid is defined by a cylindrical opening (conduit for stem 3; column 4, line 34) in the lid. The valve body (1) further comprising a stem (3) coincident with the central axis of the cylindrical opening at least partially within the cylindrical opening. Fukui further teaches:

- i. A portion (7) of the lid comprises at least part of a valve plug seat (inside surface of 7; Figure 1; column 4; lines 28-31, 36-39, 53-60)
- ii. The entirety of the valve seat (inside surface of 7; Figure 1) is between an innermost surface of the lid inside the chamber and an outermost surface of the lid outside the chamber (Figure 1)
- iii. The part of the valve seat (6/7 interface) comprised by the portion of the lid is defined by a beveled and annular lid surface around a cylindrical opening through the lid, the valve body further comprising a plug (6) complementary to the beveled lid surface - see vertical and slanted tapering at the 6/7 interface in Figure 1

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al (USPat. 5,002,928) in view of Waterfield (USPat. 4,319,737). Fukui is discussed above.

Art Unit: 1763

However, Fukui does not teach a diaphragm valve. Waterfield teaches a diaphragm valve (Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for Fukui to replace his needle valve with Waterfield's diaphragm valve.

Motivation for Fukui to replace his needle valve with Waterfield's diaphragm valve is to provide an alternate and equivalent valve for delivering process fluids.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPat. 5,743,457; 4,805,552; 5,547,714; 6,056,994; 4,273,291; 5,678,595; 5,150,734; 5,564,907; 3,110,319.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (703) 305-1351. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official after final fax phone number for the 1763 art unit is (703) 872-9311. The official before final fax phone number for the 1763 art unit is (703) 872-9310. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (703) 308-0661. If the examiner can not be reached please contact the examiner's supervisor, Gregory L. Mills, at (703) 308-1633.



JEFFRIE R. LUND
PRIMARY EXAMINER